

REMARKS

This Amendment is in response to the Office Action mailed on April 10, 2007 in which claims 1-20 and 29-33 were allowed and claims 21-28 were rejected. With this Amendment, claim 21 is amended and claims 21-28 are presented for reconsideration and allowance.

Claim Rejections 35 U.S.C. § 112

In section 1 of the Office Action, claims 21-28 were rejected under 35 U.S.C. § 112 as being indefinite for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, in section 2 of the Office Action, claim 21 is objected to as being indefinite because the term "substantially" was said to be a relative term. The Office Action further states that the specification does not provide a standard for ascertaining the requisite degree.

With the present amendment, the word "substantially" has been removed from claim 21. Support for this amendment can be found on page 10 lines 17-21, which states that the user can view both a progress meter and a volume meter "without significantly changing their focus point on the display." Thus, the user can perceive both the progress meter and the volume meter without moving their eyes.

As amended, claim 21 is definite and clear since those skilled in the art will be able to easily determine the scope of the claim and whether they infringe the claim. As such, claims 21-28 are in form for allowance. The examiner's identification of this ambiguity is appreciated.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Theodore M. Magee , Reg. No. 39,758
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

TMM:sew